

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CEDRIC ROMONE GARDNER, #31182177 §

VS. § CIVIL ACTION NO. 5:05cv201

UNITED STATES OF AMERICA §

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner Cedric Romone Gardner, an inmate confined at F.C.I. Seagoville, Texas, brings this motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. Pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges, the motion was referred to United States Magistrate Judge Caroline M. Craven.

The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. The Report recommended that Respondent's motion to dismiss (dkt#4) be granted and the petition be dismissed with prejudice.

Petitioner filed objections to the Report. This Court made a *de novo* review of Petitioner's motion.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts

them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that Respondent's motion to dismiss (dkt#4) is
GRANTED and that this action is **DISMISSED WITH PREJUDICE**; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 8th day of May, 2006.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE